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Attorneys for Plaintiff and Cross-Defendant BOILING
POINT GROUP, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES

BOILING POINT GROUP, INC., a
California corporation,

Plaintiff,

v.

FONG WARE CO. LTD.,
FONGWARE LLC, FONG WARE
INDUSTRIAL CO., LTD, and KEN-
ZUEI LIU,

Defendants.

FONG WARE CO. LTD., a California
corporation,

Cross-Complainant,

v.

BOILING POINT GROUP, INC., a
California corporation,

Cross-Defendant.

Case No. 2:16-cv-01672-RGK-JEM

**JOINT WITNESS AND EXHIBIT
LIST**

Plaintiff and Cross-Defendant Boiling Point Group, Inc. (“Plaintiff”), on the
one hand, and Defendants FongWare LLC, Fong Ware Industrial Co. Ltd., and Ken-
Zuei Liu, and Defendant and Cross-Complainant Fong Ware Co. Ltd. (collectively
“Defendants”), on the other hand, hereby submit their Joint Witness List and Joint

Exhibit List as required by Order of the Court as follows:

PLAINTIFF'S WITNESS LIST

Witness Name	Brief Statement of Testimony	Unique Aspect of Testimony	Anticipated Length of Testimony
1. Rick (Chi How) Chou, CEO, Boiling Point Group, Inc.	Mr. Chou will testify upon his role in the design process of the '811 Patent and the relevant prior art, as well as the formation and growth of Boiling Point Group and the importance of the '811 Patent to its recent success.	As Plaintiff's CEO and the inventor of the '811 Patent, Mr. Chou offers a unique perspective to this matter. In particular, Mr. Chou is the best person to testify upon the company's background, the design process, and the relevant prior art.	1 hour
2. Kenny Chen, Restaurant Operations Manager, Boiling Point Group, Inc.	The patent-in-suit, Plaintiff's patented products; similarities between the '811 Patent and the Accused Product	Mr. Chen was charged with reducing to practice the design embodied in the '811 Patent; he will lay foundation for Ms. Harper's expert infringement analysis.	1 hour
3. Calvin Chang, Chief	Plaintiff's business strategy and how it was	Mr. Chang is Plaintiff's Chief	1 hour

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Witness Name	Brief Statement of Testimony	Unique Aspect of Testimony	Anticipated Length of Testimony
Marketing Officer, Boiling Point Group, Inc.	impacted by the Accused Product; the importance of the '811 Patent to Plaintiff	Marketing Officer and is the best person to testify regarding Plaintiff's business strategy, how such strategy was impacted by the Accused Product, and the importance of the '811 Patent to Plaintiff; he will lay foundation for Mr. Buss' expert opinion re damages.	
4. Eric Chen	Rooster Creatives' role in the patent-in-suit	Mr. Chen is the only employee from Rooster Creatives who will testify at trial and he is the best person to testify upon Rooster Creative's role in the '811 Patent.	1 hour
5. Rhonda	Expert testimony	Ms. Harper is the	2.0-2.5

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Witness Name	Brief Statement of Testimony	Unique Aspect of Testimony	Anticipated Length of Testimony
Harper	regarding liability issues, including possible confusion by the ordinary observer between the '811 Patent and the Accused Product	only witness who will provide expert testimony regarding liability issues, including confusion by the ordinary observer between the '811 Patent and the Accused Product	hours
6. Brian Buss	Expert testimony upon Plaintiff's damages	Mr. Buss is the only witness who will provide expert testimony regarding Plaintiff's damages	1 hour
7. Jack Chang, Custodian of Records for JC Foodservice Inc. dba Action Sales	Mr. Chang will testify about the number of accused products purchased by Action Sales from Defendants	Mr. Chang will help to lay foundation for the volume of accused products sold by Defendants — a figure Defendants have refused to provide.	1 hour
8. Ken-Zuei Liu, by	Mr. Liu will testify about Defendants'	Mr. Liu's deposition testimony shows that	1 hour

Witness Name	Brief Statement of Testimony	Unique Aspect of Testimony	Anticipated Length of Testimony
reading portions of his deposition transcript	manufacture, sale, use, and/or importation of the Accused Product, and the sale and/or importation of the FW-1243 into the United States	Defendants manufactured, sold, used, and/or imported the Accused Product into the United States. Mr. Liu's deposition testimony will also show that Defendants did not sale or import into the United States the FW-1243 until September 2012	

DEFENDANTS' WITNESS LIST

Pursuant to Local Rule 16-5, Defendants and Counterclaimant FONG WARE CO. LTD; FONGWARE LLC; FONG WARE INDUSTRIAL CO. LTD; and KENZUEI LIU (collectively "FW Defendants") respectfully submit the following list of witnesses that it intends to call for testimony.

1. Feng Yi Liu: May be contacted through counsel. Mr. Liu may testify regarding non-infringement, prior art, design, development, functionality, invalidity, anticipation, obviousness, marketing, products, lack of deception/confusion, sales/financial matters of Fong Ware Industrial Co. Ltd. and its dealings and communication with other FW Defendants. Additionally, this witness may testify

relating to Plaintiff's '811 Patent and the alleged infringing products and affirmative defenses.

Mr. Liu is uniquely able to testify as to the design, manufacturing of Fong Ware's hot pot holders as well as the original of the Taiwanese hot pot history and also because of his position as the CEO of Fong Ware Industrial Co. Ltd (a Taiwanese corporation), he possesses knowledge concerning the operation, marketing, financial aspects of this company.

Anticipated length of testimony: 4 hour.

2. Ken Zuei Liu: May be contacted through counsel. Mr. Liu may testify regarding non-infringement, prior art, design, development, functionality, invalidity, anticipation, obviousness, marketing, products, lack of deception/confusion, sales/financial matters of Fong Ware Industrial Co. Ltd. and its dealings and communication with other FW Defendants. Additionally, this witness may testify relating to Plaintiff's '811 Patent and the alleged infringing products and affirmative defenses.

Mr. Ken Liu is uniquely able to testify as to the dealings by Fongware, LLC and Fong Ware Co. Ltd with Action Sales, its distributor in the United States. He is also instrumental in the design of Fong Ware's hot pot holders and also because of his position as the CEO of Fong Co. Ltd, FongWare, LLC, he possesses knowledge concerning the operation, marketing, financial aspects of these two companies.

Anticipated length of testimony: 4 hour.

3. Shunien Huang: May be contacted through counsel. Mrs. Huang may testify regarding non-infringement, prior art, design, development, functionality, invalidity, marketing, products, sales of Fong Ware Industrial Co. Ltd. and its dealings and communication with other FW Defendants. Additionally, this witness may testify relating to Plaintiff's '811 Patent and the alleged infringing products.

Mrs. Liu is uniquely able to testify as to the marketing and accounting aspects Fong Ware Industrial Co. Ltd. She also possesses knowledge concerning the hot pot

industry in Taiwan, operation, marketing, financial aspects of Fong Ware Industrial Co. Ltd.

Anticipated length of testimony: 2 hour.

4. Chinchen Liu: May be contacted through counsel. Mr. Liu may testify regarding non-infringement, prior art, design, development, functionality, invalidity, anticipation, obviousness, marketing, products, lack of deception/confusion, sales/financial matters of Fong Ware Industrial Co. Ltd. and its dealings and communication with other FW Defendants. Additionally, this witness may testify relating to Plaintiff's '811 Patent and the alleged infringing products and affirmative defenses.

Mr. Ken Liu is uniquely able to testify as to the design of the Fong Ware Ware hot pot holder because of his involvement and design background.

Anticipated length of testimony: 2 hour.

5. Ricardo Hsu: Action Sales, 415 S. Atlantic Blvd., Monterey Park. 909-539-7979. This witness may testify regarding non-infringement, sales, product development, its dealings and communication with FW Defendants and Action Sales' customers.

Mr. Hsu is uniquely able to testify regarding Action Sales' dealings and communication with Fong Ware Defendants.

Anticipated length of testimony: 2 hour.

6. Andy Wu: 12953 Cozzens Ave., Chino, CA. 626-437-1437. This witness may testify regarding non-infringement, sales, product development, its dealings and communication with FW Defendants and Action Sales' customers.

Mr. Wu is uniquely able to testify regarding Action Sales' dealings and communication with Fong Ware Defendants and Action Sales' customers.

Anticipated length of testimony: 2 hour.

7. Shiyi Guo: 13338 Barcelona Pl, Chino, CA. 909-313-8686. This witness may testify regarding non-infringement, sales, product development,

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Boiling Point's restaurant operation, customer dealings, experience and usage of its Hot Pot holder.

Ms. Guo is uniquely able to testify regarding Boiling Point's usage of its Hot Pot holder and customer dealings, and Boiling Point's training and operations.
 Anticipated length of testimony: 2 hour.

8. Rick Chou*, c/o Plaintiff's counsel. This witness may testify regarding the Boiling Point's marketing, operation, design patent non-infringement, functionality, invalidity.

Defendants believes this witness will be able to uniquely testify regarding the design and communication regarding Boiling Point's hot pot holder.

Anticipated length of testimony: 2 hour.

9. Kenny Chen*, c/o Plaintiff's counsel. This adverse witness may testify regarding the Boiling Point's marketing, operation, design patent non-infringement, functionality, invalidity. Anticipated length of testimony: 2 hour.

10. Eric Chen*, c/o Plaintiff's counsel. This adverse witness testify regarding the design of Plaintiff's hot pot, '811 patent and communication regarding the design and '811 Patent. Anticipated length of testimony: 2 hour.

11. Michael Lin*, c/o Plaintiff's counsel. This adverse witness may testify regarding the Boiling Point's marketing, operation, design patent non-infringement, functionality, invalidity. Anticipated length of testimony: 4 hour.

12. Dylan Chou*, c/o Plaintiff's counsel. This adverse witness may testify regarding the Boiling Point's marketing, operation, design patent non-infringement, functionality, invalidity. Anticipated length of testimony: 2 hour.

*** These four witnesses listed or could be called by Plaintiff all have refused to appear for their properly noticed depositions on the ground that Plaintiff was entitled to complete its depositions of defendants' witnesses before they are required to appear for Defendants' depositions. As such, Defendant has filed a motions in limine seeking to exclude the named witnesses from testifying at**

trial and said motion is currently scheduled for May 1, 2017. As such, Defendants and Counterclaimants will revise the foregoing in accordance with the Court's ruling on the pending Motions in Limine.

PLAINTIFF'S EXHIBIT LIST

The following key is Key to Abbreviations for Specific Objections:

L = Defendants and counterclaimant reserves the right to seek a limiting instruction for the use of this exhibit at trial.

M – Subject to Motions in Limine

N = Disclosed after the discovery cut-off in violation of scheduling order.

EXH. NO.	DATE	DESCRIPTION	ID'D	ADMITTED	STIP.	Basis for Objection
1		Intentionally Left Blank				
2		Intentionally Left Blank				
3		Intentionally Left Blank				
4	03/16/17	Corporate Records & Business Registrations for Fong Ware Co. Ltd.				M, N, 402, 403, 801, 901
5	03/16/17	Corporate Records & Business Registrations for FongWare LLC				M, N, 402, 403, 801, 901
6	03/16/17	Westlaw People Map Report – Ken Zuei Liu				M, N, 402, 403, 801, 901
7	03/11/16	Complaint for Infringement of United States Design Patent No. D680811				
8	05/19/16	First Amended Complaint for Infringement of United States Design Patent No. D680811				

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EXH. NO.	DATE	DESCRIPTION	ID'D	ADMITTED	STIP.	Basis for Objection
9	06/16/16	Defendants Fong Ware Co. Ltd. and FongWare, LLC's Answer to Boiling Point Group, Inc.'s First Amended Complaint and Counterclaims				
10	Various	Report of Publicly Available Databases Re Importation Information				M, N, 402, 403, 801, 901
11	Various	Invoice and Packing Lists, Bates numbers Fong Ware 000031 through Fong Ware 000038				
12	Various	Invoice and Packing Lists, Bates numbers Fong Ware 000115 through Fong Ware 000134				
13		Intentionally Left Blank				
14	Various	Invoices, Bates numbers Fong Ware 000237 through Fong Ware 000269				
15	06/02/16	Action Sales Invoice				M, N, 402, 403, 801, 901
16		Intentionally Left Blank				
17	Undated	Catalog, Bates numbers Fong Ware 000227 through Fong Ware 000234				
18	Undated	Catalog, Bates numbers Fong Ware 000273 through Fong Ware 000284				
19	Undated	Catalog, Bates numbers Fong Ware 000286 through Fong Ware 000294				

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EXH. NO.	DATE	DESCRIPTION	ID'D	ADMITTED	STIP.	Basis for Objection
20	Undated	Catalog, Bates numbers Fong Ware 000330 through Fong Ware 000338				
21	09/01/12	Bill of Lading, Bates numbers Fong Ware 000135 through Fong Ware 000139				
22	09/05/12	Invoice, Bates numbers Fong Ware 000140 through Fong Ware 000143				
23		Intentionally Left Blank				
24		Intentionally Left Blank				
25		Intentionally Left Blank				
26	06/11	Rooster Creatives drawings of patented hot pot apparatus, Bates numbers P-000104 through P-000110				602, 801, 802, 106, 901, 1002
27	02/14/12	Design Patent Application No. US 29/413,366				
28	04/30/13	Design Patent No. US D680,811 S				
29	Undated	Pre-2012 Boiling Point hot pot burner, Bates number P-000185				402, 403, 602, 801, 901
30	Undated	Pre-2012 Boiling Point hot pot burner, Bates number P-000187				402, 403, 602, 801, 901
31	Undated	Pre-2012 Boiling Point hot pot burner, Bates number P-000188				402, 403, 602, 801, 901
32	Undated	Pre-2012 Boiling Point hot pot burner, Bates number P-000191				402, 403, 602, 801, 901
33	Undated	Pre-2012 Boiling Point hot pot burner, Bates number P-000193				402, 403, 602, 801, 901

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EXH. NO.	DATE	DESCRIPTION	ID'D	ADMITTED	STIP.	Basis for Objection
34	Undated	Pre-2012 Boiling Point hot pot burner, Bates number P-000213				402, 403, 602, 801, 901
35	Undated	Pre-2012 Boiling Point hot pot burner, Bates number P-000216				402, 403, 602, 801, 901
36	Undated	Picture of Boiling Point menu, Bates number P-000201				402, 403, 602, 801, 901
37	Undated	Picture of Boiling Point menu on restaurant wall, Bates number P-000202				402, 403, 602, 801, 901
38	Undated	Picture of Boiling Point menu on restaurant wall, Bates number P-000205				402, 403, 602, 801, 901
39		Boiling Point advertising material, Bates number P-000018 through P-000019				402, 403, 602, 801, 901
40	03/01/16	Picture of FW-1308 from top angle close-up				
41	03/01/16	Picture of FW-1308 from top				
42	03/01/16	Picture of FW-1308 from side				
43	03/01/16	Picture of FW-1308 bird's eye view				
44	03/01/16	Picture of FW-1308 bird's eye view close-up				
45	03/01/16	Picture of FW-1308 from top angle				
46	11/29/16	Ken-Zuei Liu's Objections and Responses to Plaintiff's First Set of Requests for Production of Documents and Interrogatories				

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EXH. NO.	DATE	DESCRIPTION	ID'D	ADMITTED	STIP.	Basis for Objection
47	11/29/16	FongWare LLC's Objections and Responses to Plaintiff's First Set of Requests for Production of Documents and Interrogatories				
48	11/29/16	Fong Ware Co. Ltd's Objections and Responses to Plaintiff's First Set of Requests for Production of Documents and Interrogatories				
49	11/29/16	Fong Ware Industrial Co. Ltd's Objections and Responses to Plaintiff's First Set of Requests for Production of Documents and Interrogatories				
50	Various	Documents of Prior Art Cited by Patent Examiner on Design Patent No. US D680,811				
51	02/17	Picture of FW-1243 Bates number 000167				
52	02/17	Picture of FW-1308 Bates number 000198				
53	02/17	Picture of FW-1243 Bates number 000222				
54	03/01/17	Plaintiff's Preliminary Rule 26(a)(2) Expert Disclosure				
55	03/16/17	Deposition Transcript of Ken-Zuei Liu				M, N, 402, 403, 106
56	03/23/17	Plaintiff's First Supplemental Rule 26(a)(2) Expert Disclosure				M, N, 701-703 402, 403, 602, 801, 802, 901

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EXH. NO.	DATE	DESCRIPTION	ID'D	ADMITTED	STIP.	Basis for Objection
57	03/24/17	Plaintiff's Second Supplemental Rule 26(a)(2) Expert Disclosure				M, N, 701-703 402, 403, 602, 801, 802, 901
58	03/21/17	Declaration of Custodian of Records of JC Foodservice, Inc. DBA Action Sales Certifying Records Pursuant to Rules of Evidence 803(6) and 902(11)				M, N, 701-703 402, 403, 602, 801, 802, 901
59	Various	Records produced by JC Foodservice, Inc. DBA Action Sales				M, N, 701-703 402, 403, 602, 801, 802, 901
60	Undated	The FW-1308 device				
61	Undated	The Boiling Point hot pot apparatus				
62	03/17	Side-by-Side Picture of FW-1243 vs. FW-1308 vs. BP Apparatus				M, N, 701-703 402, 403, 602, 801, 802, 901
63	03/17	Side-by-Side Picture of FW-1243 vs. FW-1308 vs. BP Apparatus at Table-top level				M, N, 701-703 402, 403, 602, 801, 802, 901
64	Undated	Instagram Post from _adalys regarding Pot on Fire				M, N, 701-703 402, 403, 602, 801, 802, 901

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DEFENDANTS' AND COUNTERCLAIMANT'S EXHIBIT LIST

EXH. NO.	DATE	DESCRIPTION	ID'D	ADMITTED	STIP.	Basis for Objection
100	Various	Pictures of FW hot pot and BP's Hot pot taken on February 21, 2017				
101		Molds and related design paperwork. Bates numbers Fong Ware 3 through 8; 325 through 329				
102		Shipping and Invoices – Bates numbers Fong Ware 7, 31 through 28, 115 through 143				
103		Prior Art Bates Number 9 through 30				FRE 402, 602, 801, 802, 901, 1002
104		Prior Art, Bates numbers Fong Ware 39 through 93				FRE 402, 602, 801, 802, 901, 1002
105		Bates numbers Fong Ware 3 through 6 and 8, 146, 147, 148, 149, 151,				
106		Original Fong Ware Hot Pot, Bates numbers Fong Ware 174 through 176, 206, 207, 208, 220, 221, 222, 223, 270 through 272, 339				FRE 402, 403
107		Catalog of Items available for sale. Bates numbers Fong Ware 177 through 191				FRE 402, 602, 801, 802, 901, 1002
108		Alleged infringing Hot Pot, Bates numbers Fong Ware 196 through 199, 209, 211, 219				

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EXH. NO.	DATE	DESCRIPTION	ID'D	ADMITTED	STIP.	Basis for Objection
109		Other hot pot holders, Bates numbers Fong Ware 200 through 205, 210, 211				FRE 402, 403 (as to 210-211)
110		Catalog of Items for Sale, Fong Ware Bates Numbers 224 through 226.				FRE 402, 602, 801, 802, 901, 1002
111		Catalog of Items for Sale, Fong Ware Bates Numbers 227 through 234, 273 through 294, 330 through 338				
112		Taiwan Patents, Bates Numbers 295 through 324.				FRE 402, 403
113		Similar hot pot holder, Bates Numbers 340 through 350				M FRE 402, 602, 801, 802, 901, 1002
114		Similar hot pot holder, Bates Number 351 through 361				M FRE 402, 602, 801, 802, 901, 1002
115		Various online articles concerning the use of other hot pot holders, Bates Numbers 361 through 374.				M FRE 402, 602, 801, 802, 901, 1002
116		Other hot pot holders, Bates Numbers 375 through 384				M FRE 402, 602, 801, 802, 901, 1002

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EXH. NO.	DATE	DESCRIPTION	ID'D	ADMITTED	STIP.	Basis for Objection
117		Various online articles, Bates Numbers 385 through 409				M FRE 402, 602, 801, 802, 901, 1002
118		Boiling Point's Objections and Responses to Defendant's First Set of Requests for Production of Documents and Interrogatories				
119		Boiling Point's Objections and Responses to Defendant's First Set of Requests for Production of Documents and Interrogatories				
120		Plaintiff's Initial Disclosure Rule 26(a)(1)				
121		Physical Sample of FW alleged infringing Hot Pot Holder and related accessories				Defendants have not disclosed any such physical sample or related accessories or made them available for inspection
122		Physical Sample of FW original Hot Pot Holder and related accessories				Defendants have not disclosed any such physical sample or related accessories or made them available for inspection

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EXH. NO.	DATE	DESCRIPTION	ID'D	ADMITTED	STIP.	Basis for Objection
123		Cease and Desist letter by Boiling Point				N FRE 402, 403
124		Michael Lin's Declaration ISO Boiling Point's Opposition to Defendants' Motion for Summary Judgment				
125		Plaintiff's Response to Defendants' Statement of Uncontroverted Facts (Dkt 78)				Motions and related documents are not evidence
126		Physical sample of Boiling Point's Hot Pot Holder that embodies the '811 Patent's design.				Defendants have not disclosed any such physical sample or related accessories or made them available for inspection
127		'811 Patent Application, Plaintiff Bates Number 1 through 17.				
128		Plaintiff's Bates Number 18 through 51.				
129		Plaintiff's Bates Numbers 55 through 60				
130		Plaintiff's Bates Numbers 61 through 103				
131		Plaintiff's Bates Numbers 104 through 110.				
132		Plaintiff's Bates Numbers 111 through 118.				

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EXH. NO.	DATE	DESCRIPTION	ID'D	ADMITTED	STIP.	Basis for Objection
133		Plaintiff's Bates Numbers 119 through 180.				
134		Plaintiff Bates Numbers 182-184.				
135		Plaintiff Bates Numbers 185 through 216				
136		Plaintiff Bates Numbers 224, 217.				
137		Plaintiff Bates Numbers 239, 244.				
138		Plaintiff Bates Numbers 245 through 286.				
139*		Plaintiff Bates Number 287 through 354				Defendants' Objections: ¹ M, N, 701-703 402, 403, 602, 801, 802, 901
140*		Plaintiff Bates Numbers 355 through 483.				Defendants' Objections: ² M, N, 701-703 402, 403, 602, 801, 802, 901
141*		Plaintiff Bates number 497				Defendants' Objections: ³ M, N, 701-703 402, 403, 602, 801, 802, 901
142*		Plaintiff Bates Number 498 through 556.				Defendants' Objections: ⁴ M, N, 701-703 402, 403, 602, 801, 802, 901

¹ It is unclear to Plaintiff why Defendants are objecting to their own exhibits.

² It is unclear to Plaintiff why Defendants are objecting to their own exhibits.

³ It is unclear to Plaintiff why Defendants are objecting to their own exhibits.

⁴ It is unclear to Plaintiff why Defendants are objecting to their own exhibits.

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EXH. NO.	DATE	DESCRIPTION	ID'D	ADMITTED	STIP.	Basis for Objection
143*		Plaintiff Bates Number 557 through 686				Defendants' Objections: ⁵ M, N, 701-703 402, 403, 602, 801, 802, 901
144		Counterclaim filed by Defendants				Defendants' Objections: ⁶ M, N, 701-703 402, 403, 602, 801, 802, 901
145		Answer by Plaintiff to Defendants' counterclaim				Defendants' Objections: ⁷ M, N, 701-703 402, 403, 602, 801, 802, 901

* These exhibits are produced after the discovery-cutoff and, consequently, Defendants did not have the opportunity to review them adequately and therefore may not be needed by Defendants for trial purpose.

Dated: April 10, 2017

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

By: /s/ Aaron S. Craig
Aaron S. Craig
Shawn M. Ogle
Attorneys for Plaintiff and Cross-Defendant BOILING POINT GROUP, INC.

⁵ It is unclear to Plaintiff why Defendants are objecting to their own exhibits.

⁶ It is unclear to Plaintiff why Defendants are objecting to their own exhibits.

⁷ It is unclear to Plaintiff why Defendants are objecting to their own exhibits.

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4 Grant Y. Chien
5 Attorney for Defendants and Cross-
6 Complainant FONG WARE, LTD,
7 FONGWARE LLC, FONG WARE
8 INDUSTRIAL CO. LTD and KEN-
9 ZUEI LIU
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